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Paper No. 13

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OFFICE OF PETITIONS

In re Application of	:
Tomlins et al	:
Application No. 09/470,629	: DECISION GRANTING STATUS
Filed: December 22, 1999	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 476-1871	:

This is in response to the petition, filed June 15, 2001, requesting reconsideration of a decision mailed April 13, 2001, which refused to accord status under 37 CFR 1.47(a).

The petition is GRANTED.

Petitioner has shown that the nonsigning inventor, Greg Bernstein, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The decision mailed April 13, 2001 stated that the declaration submitted with the petition of December 1, 2000, failed to set forth the mailing address of joint inventor Bernstein. Rather than setting forth the mailing address of inventor Bernstein in a declaration complying with 37 CFR 1.63 and 37 CFR 1.64 or in an Application Data Sheet (ADS), petitioner included the mailing address in the petition. However, the rules provide that the mailing address must be set forth in a declaration complying with 37 CFR 1.63 and 37 CFR 1.64 or submitted in an ADS in accordance with 37 CFR 1.76. Therefore, the mailing address should be provided either in a substitute declaration complying with 37 CFR 1.63(c)(1) or

supplied by way of an ADS in accordance with 37 CFR 1.76 prior to issuance of the instant application or at such time as may be required by the examiner.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-8680.

This application is being forwarded to Technology Center AU 2739 for examination in due course.

A handwritten signature in cursive script that reads "Frances Hicks".

Frances Hicks

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy